

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HA LONG,

Plaintiff,

v.

SPALDING AUTOMOTIVE INC.,

Defendant.

CIVIL ACTION NO. 17-4865

ORDER

AND NOW, this 29th day of November 2018, upon consideration of Defendant's Motion to Dismiss [Doc. No. 6] and the opposition thereto, and for the reasons stated in the accompanying memorandum opinion, it is hereby **ORDERED** that the Motion is **GRANTED in part and DENIED in part**. The Motion to Dismiss is **DENIED** as to Count III. The Motion to Dismiss is **GRANTED** as to Counts I, II, IV, V, VI, and VII, which are **DISMISSED without prejudice**. It is further **ORDERED** that Plaintiff may file an amended complaint no later than **December 21, 2018**. If Plaintiff does not file an amended complaint, then Defendant shall file its answer to Count III no later than **January 8, 2019**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.